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18 CLEMENTE FRANCO; HECTOR PENA; PASCUAL
19 TORRES; CAROL DEUPREE; JESSICA VIRAMONTES;
20 JUAN SARINANA; ADRIANA ZUNIGA; PREM SARIN;
21 DAVID BOUFFARD; and HECTOR SANCHEZ

22
23 **UNITED STATES DISTRICT COURT**
24 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

25 TODD R. G. HILL,
26 Plaintiff,
27 v.
28 THE BOARD OF DIRECTORS,
29 OFFICERS AND AGENTS AND
30 INDIVIDUALS OF THE PEOPLES
31 COLLEGE OF LAW; et al.
32 Defendants.

33 Case No. 2:23-cv-01298-CV-BFMx
34 **OPPOSITION TO PLAINTIFF'S
35 REQUEST FOR JUDICIAL NOTICE
36 OF THE CALIFORNIA STATE
37 AUDITOR'S REPORT (2024-030)**

38 Judge: Josephine L. Staton
39 Magistrate: Brianna Fuller Mircheff

40 TO THE HONORABLE COURT AND TO ALL PARTIES AND THEIR
41 ATTORNEYS OF RECORD:

42 COMES NOW the Defendants COMES NOW the Defendants THE GUILD
43 LAW SCHOOL DBA PEOPLE'S COLLEGE OF LAW, JOSHUA GILLENS,
44 WILLIAM MAESTAS, BOARD OF DIRECTORS FOR THE PEOPLE'S
45 COLLEGE OF LAW, CHRISTINA MARIN GONZALEZ; ROGER ARAMAYO;

1 ISMAIL VENEGAS; CLEMENTE FRANCO; HECTOR PENA; PASCUAL
2 TORRES; CAROL DEUPREE; JESSICA VIRAMONTES; JUAN SARINANA;
3 ADRIANA ZUNIGA; PREM SARIN; DAVID BOUFFARD; and HECTOR
4 SANCHEZ (hereinafter collectively referred to as “Defendants”) submit the
5 following Opposition to Plaintiff’s Request for Judicial Notice of The California
6 State Auditor’s Report.

7

8 DATED: March 27, 2025

HAIGHT BROWN & BONESTEEL LLP

9

10 By: /s/ Jeffrey Kirwin
11 Yvette Davis
12 Arezoo Jamshidi
13 Jeffrey Kirwin
14 Attorneys for Defendants THE GUILD
15 LAW SCHOOL DBA PEOPLE’S
16 COLLEGE OF LAW, JOSHUA
17 GILLENS, WILLIAM MAESTAS,
18 BOARD OF DIRECTORS FOR THE
19 PEOPLE’S COLLEGE OF LAW,
20 CHRISTINA MARIN GONZALEZ;
21 ROGER ARAMAYO; ISMAIL
22 VENEGAS; CLEMENTE FRANCO;
23 HECTOR PENA; PASCUAL TORRES;
24 CAROL DEUPREE; JESSICA
25 VIRAMONTES; JUAN SARINANA;
26 ADRIANA ZUNIGA; PREM SARIN;
27 DAVID BOUFFARD; and HECTOR
28 SANCHEZ

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MEMORANDUM OF POINTS AND AUTHORITIES

I. Introduction

Plaintiff Todd Hill's ("Plaintiff") request for judicial notice seeks the Court to notice the state auditors report attached to Plaintiff's motion. The request also appears to request the Court to notice how the report substantiates Plaintiff's claims made in his various Complaints. Plaintiff's use of the report to support his claims is exemplified by the following statements made in his motion:

- The report supports Plaintiff's negligence and equal protection claims as it suggests that systemic financial instability weakened enforcement, enabling unchecked misconduct at PCL (Plaintiff's Motion at 5:18-21, 8:18-21);
- Plaintiff alleges that the State Bar failed to act against known misconduct at PCL, contributing to harm (Plaintiff's Motion at 6:6-9);
- The report further bolsters Plaintiff's assertion that students at PCL were subjected to unfair financial burdens without receiving the intended oversight protections (9:19-24).

Moreover, Plaintiff's request is unclear as to whether he is seeking the Court to notice the auditor's report exists or whether the findings contained therein are true. Defendants dispute the request for judicial notice as Plaintiff is seeking the court to notice the statements made in the report are true and that the report substantiates, proves, or in any way supports the claims Plaintiff has made in the instant matter.

II. Legal Standard for Judicial Notice

The Federal Rules of Evidence (“FRE”) provide that “may judicially notice a fact that is not subject to reasonable dispute because it: (1) is generally known within the trial court’s territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. Rule 201(b). Under Fed. R. Evid. Rule 201(a), only “adjudicative” facts may

1 be judicially noticed. An “adjudicative” fact is one that concerns the immediate
2 parties: “who did what, where, when, how, and with what motive or intent...” *U.S.*
3 *v. Gould*, 536 F.2d 216, 219 (8th Cir. 1976). The Court “must take judicial notice if
4 a party requests it and the court is supplied with the necessary information.” Fed. R.
5 Evid. 201(c)(2). The Court cannot take judicial notice of a fact that is subject to
6 reasonable dispute. *Lee v. City of L.A.*, F.3d 668, 689 (9th Cir. 2001).

7 While adjudicative facts may be noticed under certain circumstances, it is
8 important to note that “[b]ecause the effect of judicial notice is to deprive a party of
9 the opportunity to use rebuttal evidence, cross-examination, and argument to attack
10 contrary evidence, caution must be used in determining that a fact is beyond
11 controversy under Rule 201(b).” *Int'l Star Class Yacht Racing Ass'n v. Tommy*
12 *Hilfiger U.S.A., Inc.*, 146 F.3d 66, 70 (2d Cir. 1998). Thus, “A high degree of
13 indisputability is an essential prerequisite for adjudicative facts to be judicially
14 noticed... Or, if not generally known, the matter may be beyond controversy
15 because verifiable from sources of such nature as to eliminate reasonable dispute.” 2
16 Handbook of Fed. Evid. § 201:1 (9th ed.). Moreover, “[w]hat is the part of essence
17 of the controversy between the parties in this case is not a proper subject for judicial
18 notice.” *Von Grabe v. Sprint PCS*, 312 F.Supp.2d 1285, 1312 (S.D. Cal. 2003).
19 Additionally, facts capable of being noticed must still be admissible under the rules
20 of evidence. *See United States v. Jackson*, 208 F.3d 633, 638 (7th Cir. 2000).

21 Further, “[c]ourts do not take notice of documents, they take judicial notice of
22 facts. The existence of a document could be such a fact, but only if the other
23 requirements of Rule 201 are met.” *Cruz v. Specialized Loan, Servicing LLC*, No.
24 SACV 22-01610-CJC (JDEx), 2022 WL 18228277, at 2 (C.D. Cal. Oct. 24, 2022).
25 Courts may notice documents made available by a government entity, but it may not
26 take judicial notice of factual findings stated in the documents. *See M/V Am. Queen*
27 *v. San Diego Marine Const. Corp.*, 708 F.2d 1483, 1491 (9th Cir. 1983).

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1 **III. Plaintiff's Request for Judicial Notice Must be Denied**

2 Plaintiff's request for judicial notice does not merely ask the Court to notice
3 the document made available by the State Bar. Plaintiff, instead, seeks the Court to
4 notice the statements made in the report as true. Moreover, Plaintiff's motion
5 requests to have the Court notice Plaintiff's interpretation and application of the
6 report to the instant matter. For example, Plaintiff's motion states "[s]pecifically, the
7 Auditor's findings confirm the following key issues that support Plaintiff's claims."
8 (Plaintiff's Motion at 5:8-9.) The motion goes onto state the report proves and/or
9 supports Plaintiff's contentions at various portions, including the portions cited at
10 8:18-21, 6:6-9, and 9:19-24. The contentions the motion seeks to support are at the
11 center of the present dispute. Per *Von Grabe v. Sprint PCS*, such matters are not the
12 proper subject of judicial notice. Thus, Plaintiff's motion must be denied as it seeks
13 to notice statements in the report as true and the motion attempts to notice support
14 for Plaintiff's claims which are at the heart of the dispute. *M/V Am. Queen*, 708 F.2d
15 at 1491; *Von Grabe*, 312 F.Supp.2d at 1312.

16 Plaintiff's motion also must be denied because the alleged facts are subject to
17 reasonable dispute. Specifically, Plaintiff's contentions that the report supports his
18 claims are not supported by the auditor's report. In fact, the Peoples College of Law
19 is not mentioned anywhere in the report and the report does not apply the
20 deficiencies examined therein to any of the Defendants. Thus, the alleged facts are
21 neither generally known in this Court's jurisdiction or can be accurately and readily
22 determined from sources whose accuracy cannot reasonably be questioned. Fed. R.
23 Evid. Rule 201.

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1 **IV. Conclusion**

2 Based on the foregoing, Defendants respectfully request the Court to deny
3 Plaintiff's Request for Judicial Notice of the California State Auditor's Report.

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5 DATED: March 27, 2025

HAIGHT BROWN & BONESTEEL LLP

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7 By: /s/ Jeffrey Kirwin

8 Yvette Davis

9 Arezoo Jamshidi

10 Jeffrey Kirwin

11 Attorneys for Defendants THE GUILD
12 LAW SCHOOL DBA PEOPLE'S
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24 DAVID BOUFFARD; and HECTOR
25 SANCHEZ

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1 **PROOF OF SERVICE**

2 Hill v. The Board of Directors, Officers, et al.

3 Case No. 2:23-cv-01298-JLS-CFM

4 **STATE OF CALIFORNIA, COUNTY OF ORANGE**

5 At the time of service, I was over 18 years of age and not a party to this
6 action. I am employed in the County of Orange, State of California. My business
6 address is 2030 Main Street, Suite 1525, Irvine, CA 92614.

7 On March 27, 2025, I served true copies of the following document(s)
8 described as **OPPOSITION TO PLAINTIFF'S REQUEST FOR JUDICIAL
NOTICE OF THE CALIFORNIA STATE AUDITOR'S REPORT (2024-030)**
on the interested parties in this action as follows:

9 **SEE ATTACHED SERVICE LIST**

10 **BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed
11 the document(s) with the Clerk of the Court by using the CM/ECF system.
12 Participants in the case who are registered CM/ECF users will be served by the
13 CM/ECF system. Participants in the case who are not registered CM/ECF users will
be served by mail or by other means permitted by the court rules.

14 I declare under penalty of perjury under the laws of the United States of
15 America that the foregoing is true and correct and that I am employed in the office
16 of a member of the bar of this Court at whose direction the service was made.

17 Executed on March 27, 2025, at Irvine, California.

18 */s/ Cindy Mulder*
19 Cindy Mulder

SERVICE LIST
Hill v. The Board of Directors, Officers, et al.
Case No. 2:23-cv-01298-JLS-CFM

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